IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

OP.No. 26719 of 2002(E)

PETITIONER:

R.KRISHNAN KUTTY, SUB ENGINEER, K.S.E.B
ELECTRICAL MAJOR SECTION, THIRURANGADI,
MALAPPURAM DISTRICT.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, VYTHYUDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (ELEC.) GENERAL,
K.S.E.BOARD, VYDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR K.S.E.B.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.45419 OF 2002 IN OP NO.26719 OF 2002 E

//DISMISSED//

03.07.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 2.2.2001.

EXT.P2: TRUE COPY OF THE ORDER B.O.NO.2578/96 SC/LTS/CON.96(1) DATED 19.10.1996.

EXT.P3: TRUE COPY OF THE JUDGMENT IN OP NO.27062/01 OF THIS HON'BLE COURT DATED 13.9.2001.

EXT.P4: TRUE COPY OF THE ORDER PAY.FIX.NO.VII/2001-02/802 DATED 8.1.2002 FROM THE 1ST RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.26719 OF 2002

Dated this the 3rd day of July, 2007

JUDGMENT

The petitioner, who entered the service of the Board as an ordinary Mazdoor on 20.6.1983, was promoted as Meter Reader on 27.6.1992 and as Overseer on 14.1.1993. Thereafter, he was promoted as Sub Engineer and is continuing in the same post. Mr.K.Vijayakumaran Nair, now working as Overseer, Electrical Major Section, Vellarada, entered the service of the Board on 14.6.1983 as Electricity Worker. He was promoted as Meter Reader on 30.8.1994 and thereafter, as Overseer on 10.4.1995. The case of the petitioner is that he is entitled to fixation of pay at par with the pay of the said Vijayakumaran Nair, in view of clause (2) of Ext.P2.

2. No counter affidavit has been filed.

3. The petitioner is an admitted senior of those who are drawing higher pay in a higher post, but who are juniors to him.

Going by Ext.P4, it is the admitted situation that persons like the petitioner attain the holding post by promotion from Mazdoor, Junior Line Assistant, Meter Reader, Overseer and Sub Engineer, slipping the post of Line Assistant, while the admitted juniors would route through the Overseer post by promotion from Electricity worker, Junior Line Assistant, Line Assistant, Meter Reader and Overseer. So much so, in terms of clause (2) of Ext.P2, where a senior employee like the petitioner is promoted to a higher post before 1.7.1993/1.8.1993, but draws lesser pay in the revised scale than his junior, who is promoted to the higher post on or after 1.7.1993/1.8.1993, the pay of the senior employee will be stepped up to that of the junior with effect from the date on which the junior draws more pay.

4. The petitioner was promoted before 1.7.1993/1.8.1993. This means that he is entitled to have his pay stepped up to that of the junior with effect from the date on which the junior promoted after 1.7.1994/1.8.1993 draws more pay. This effect of

Ext.P2 is enjoined for getting over the disparity as a result of pay revision.

In the result, the writ petition is allowed quashing Ext.P4 and directing that the pay of the petitioner shall be fixed at par with that of his junior Sri. K.Vijayakumaran Nair, in view of Ext.P2 guidelines. The benefits arising out of this judgment shall be released to the petitioner within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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